

EXHIBIT 10

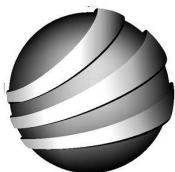
In the Matter Of:

MOLNAR, et al. vs. NCO FINANCIAL SYSTEMS

13-CV-0131-BAS-JLB

WESLEY ALLEN THORNTON

January 09, 2015



ESQUIRE

EXHIBIT 10 - PAGE 172

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EsquireSolutions.com

Deposition of WESLEY ALLEN THORNTON

Held at the Offices of:

REGUS CONFERENCE ROOM

Suite 700

1655 North Fort Myer Drive

Arlington, VA 22209

(703) 351-5299

Pursuant to Notice, before Kenneth Norris, a
Registered Professional Reporter and Notary Public in
and for the State of Virginia.

1 APPEARANCES:

2 ON BEHALF OF THE PLAINTIFF:

3 BENJAMIN H. RICHMAN, ESQUIRE

4 Edelson, PC

5 350 North LaSalle Street, Suite 1300

6 Chicago, Illinois 60654

7 (312) 589-6370

8 E-mail:brichman@edelson.com

11 ON BEHALF OF THE DEFENDANT:

12 JAMES K. SCHULTZ, ESQUIRE

13 Sessions, Fishman, Nathan & Israel, LLC

14 55 West Monroe Street, Suite 1120

15 Chicago, Illinois 60603-5130

16 (312) 578-0990

17 E-mail:jschultz@sessions-law.biz

CONTENTS

EXAMINATION OF WESLEY ALLEN THORNTON Page

By Mr. Schultz 5

By Mr. Richman 152

Exhibits Page

1 Disconnect Notice from New River Light 64

And Power

2 Documents from Honda American Finance 65

3 Discovery Responses 81

4 First Amended Complaint 81

5 Original Complaint 83

6 Consolidated Class Action Complaint 83

7 Retainer Agreement with Ronald A. Marren 107

8 Printout of Google Voice Message 117

9 Defendant's Offer of Judgement 136

P R O C E E D I N G S

Whereupon,

WESLEY ALLEN THORNTON,
was called as a witness and, having been duly sworn,
was examined and testified as follows:

EXAMINATION:

BY MR. SCHULTZ:

Q. Can you please state your full name,
spelling your last name for the record like you just
did it?

A. Wesley Allen Thornton, T-H-O-R-N-T-O-N.

Q. Let the record reflect that this is the
deposition of Wesley Allen Thornton being taken in the
case of Jeffrey Molnar, et al., versus NCO Financial
Systems. Today's deposition is being taken pursuant
to notice and pursuant to the applicable Federal Rules
of Civil Procedure and the local rules of the Southern
District of California.

Wes, we met a little bit ago. It's okay if
I call you Wes, right?

A. That's fine.

Q. I'm Jim, if you need to yell at me for

1 it your understanding that on those calls you had
2 given consent to be called on those debts?

3 MR. RICHMAN: Objection to the extent it
4 calls for a legal conclusion, but you can answer it.

5 THE WITNESS: Yes.

6 BY MR. SCHULTZ:

7 Q. Okay. And to put it bluntly here, your
8 complaint, your gripe in this case is you don't think
9 that NCO had consent to call you on the 202 number?

10 MR. RICHMAN: Same objection.

11 THE WITNESS: Yes.

12 BY MR. SCHULTZ:

13 Q. All right. And you understand that this
14 case is also filed as a putative class action?

15 A. Yes.

16 Q. Have you ever been involved in any class
17 action lawsuits before? Either as a class member or
18 as a class rep?

19 A. Yes.

20 Q. In which context? Both? It was a bad
21 question.

22 A. Only as a member.

1 Q. And as it relates to American Honda Finance,
2 you had given them the 828 number?

3 A. Yes.

4 Q. So, again, your lawyer is going to object to
5 this being a legal conclusion, but is it your
6 contention then in this case is that you did not
7 consent to being called by either those creditors or
8 NCO on your 202 number despite the fact that you had
9 given the cell number for 828 to the creditors?

10 MR. RICHMAN: Objection to the extent it
11 calls for a legal conclusion.

12 Go for it.

13 THE WITNESS: No, I did not give consent.

14 BY MR. SCHULTZ:

15 Q. Got it.

16 And, again, I'm going to keep probing a
17 little bit on -- I get that we're getting into the
18 legal aspect of the case a little bit, but is the
19 reason why you feel like there wasn't consent is
20 because you hadn't given the 202 number?

21 A. Yes.

22 MR. RICHMAN: Same objection. Sorry. Go

1 ahead.

2 THE WITNESS: Yes.

3 BY MR. SCHULTZ:

4 Q. So it's your understanding that the consent
5 you gave -- strike that.

6 Would you agree that by giving that 828
7 number to the New River Light and Power and American
8 Honda Finance that you gave consent to be called on
9 your cell phone number, the 828 cell phone number?

10 MR. RICHMAN: Objection. Legal conclusion.

11 You can answer.

12 THE WITNESS: Yes.

13 BY MR. SCHULTZ:

14 Q. When you changed cell phone numbers from the
15 828, there was a gap, right? Between the 828 and the
16 202 numbers you had a prepaid one, right?

17 A. Yes.

18 Q. At any point in time did you tell either New
19 River Light and Power or American Honda Finance that
20 you had a new telephone number?

21 A. No.

22 MR. SCHULTZ: This will be T-3.

1 A. Yes.

2 Q. Okay.

3 And you're okay doing that?

4 A. Yes.

5 Q. Okay.

6 And in your complaint here, the consolidated
7 class action complaint we marked as Exhibit 6, I think
8 it's alleged that the class could be in the hundreds
9 of thousands of people. Do you understand that that
10 class that you're representing could be hundreds of
11 thousands or maybe even millions of people?

12 A. Yes, I understand.

13 Q. Okay.

14 And you're okay with making decisions on
15 behalf of that size of -- that many people?

16 A. Yes.

17 Q. Have you done anything to prepare yourself
18 to serve as a class representative, so that you can
19 make those decisions in a knowing and meaningful way?

20 A. Yes, I've consulted.

21 Q. With your lawyers?

22 A. Yes.

1 Q. Besides consulting with your lawyers, have
2 you done anything to prepare yourself to be a class
3 representative?

4 A. I feel that they're knowledgeable enough to
5 let me know what I'm -- what I need to do.

6 Q. Okay. That's fair.

7 We have talked a little bit about the
8 recovery that you're seeking in this case. You
9 understand that the same recovery would apply to the
10 class members, right?

11 A. Yes.

12 Q. And that any recovery they get would be the
13 same as what you get?

14 MR. RICHMAN: Objection. Calls for a legal
15 conclusion, but go ahead. And speculation.

16 But go ahead.

17 THE WITNESS: I'm not -- not as
18 understanding of the details, when it comes down to
19 that.

20 BY MR. SCHULTZ:

21 Q. Okay.

22 Well, let me try to make sure you understand

1 at least what I think the law is.

2 You would understand that as a class

3 representative representing this class, that you would

4 be entitled to the same recovery that they're entitled

5 to, the absent class members?

6 A. Yes.

7 Q. And that these people that aren't

8 participating in the class action, aren't giving

9 depositions or answering discovery and things like

10 that, they are going to be entitled to recover at the

11 same rate that you would be?

12 A. Yes.

13 MR. RICHMAN: Objection. Calls for a legal

14 conclusion, but go ahead.

15 THE WITNESS: Yes.

16 BY MR. SCHULTZ:

17 Q. And that's something you're comfortable

18 with?

19 A. Yes.

20 Q. You're okay with the idea that they are

21 going to do the same as you do in this case?

22 A. Yes.

1 Q. Okay.

2 Do you have -- have you done anything as far
3 as trying to estimate or plan on how much money you
4 might recover in this case?

5 A. It's fruitless.

6 Q. Why is that?

7 A. Because I don't want to get my hopes up or
8 get it let down, so I have not.

9 Q. So like the corporation, you know, put
10 projections and stuff like that. You haven't in your
11 mind put a price tag as far as what you think your
12 case is worth or anything like that? Just you
13 personally, not in anything as far as what you've
14 consulted with your lawyers on?

15 MR. RICHMAN: Objection. Asked and
16 answered. You can go ahead.

17 THE WITNESS: I can take 200 and multiply it
18 by 1500, if that's what you're asking. But I don't
19 know how that pertains to the case or to any
20 settlement or to any other litigation that goes on
21 beyond that.

22 BY MR. SCHULTZ:

REPORTER'S CERTIFICATE

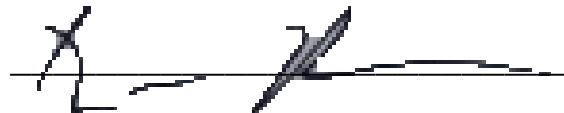
State of Virginia, City of Arlington, to

Wit:

I, KENNETH NORRIS, a Notary Public of
the State of Virginia, City of Arlington, do hereby
certify that the within named witness personally
appeared before me at the time and place herein set
out, and after having been duly sworn by me, according
to law, was examined. I further certify that the
examination was recorded stenographically by me and
this transcript is a true record of the proceedings.

I further certify that I am not of
counsel to any of the parties, nor in any way
interested in the outcome of this action.

As witness my hand and notarial seal
this 9th day of January, 2015.



KENNETH NORRIS

Notary Public

My Commission Expires: 2-28-15

Notary Registration Number: 7501816

DEPOSITION ERRATA SHEET

Our Assignment No. 255339.310311

Case Caption: JEFFREY MOLNAR, et al.

vs. NCO FINANCIAL SYSTEMS, INC.

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury
that I have read the entire transcript of
my Deposition taken in the captioned matter
or the same has been read to me, and
the same is true and accurate, save and
except for changes and/or corrections, if
any, as indicated by me on the DEPOSITION
ERRATA SHEET hereof, with the understanding
that I offer these changes as if still under
oath.

Signed on the _____ day of

_____, 20____.

WESLEY ALLEN THORNTON